



THE CITY OF NEW YORK
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July 22, 2025

BY ECF

Honorable Dale E. Ho
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Application GRANTED. Defendants may have until July 20, 2025 to file their motion to quash the trial subpoenas.

SO ORDERED.

Dale E. Ho
United States District Judge

Dated: July 22, 2025
New York, New York

Re: Steven Dominguez v. City of New York, et al., 21-CV-02302 (DEH)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing defendants in the above-referenced action. In that capacity, I write to respectfully request until July 30, 2025, in order to move to quash trial subpoenas that were recently served on behalf of plaintiff. Specifically, on July 8, 2025, my Office received subpoenas from plaintiff seeking to call as witnesses at trial my predecessors, Assistant Corporation Counsels Susan Scharfstein and John Schemitsch. Plaintiff's counsel has also indicated a desire to subpoena for trial the testimony of NYPD Legal Attorney Alison Arenson.¹ While counsel for the parties have conferred on several occasions in an attempt to resolve and/or narrow these issues, we were unable to reach an agreement that would obviate intervention from the Court. Similarly, because there may be availability issues at trial – particularly for Ms. Arenson who is expected to be unavailable for the entirety of same – defendants have decided to seek resolution of this issue in the short term rather than wait until our motions *in limine* are due on or before September 5, 2025.

¹ Because the undersigned indicated to plaintiff's counsel that we would be seeking to preclude plaintiff from calling Ms. Arenson, the parties agreed to hold off on plaintiff actually serving her pending resolution of this issue from the Court.

Defendants request until July 30, 2025, in order to file our application so that the undersigned can first obtain the transcript from the hearing that occurred before the Honorable Katherine Polk Failla on March 14, 2023. Upon information and belief, whether and to what extent plaintiff could obtain discovery and/or testimony from the three individuals mentioned above was addressed during that hearing. Thus, the transcript should further shed light on whether and to what extent plaintiff should be permitted to call these individuals at trial – something defendants believe should not be the case – and at a minimum, streamline any briefing with respect to same. In that regard, I have already ordered the transcript and been told by the assigned Court Reporter that it will be ready on or before July 28, 2025.

Plaintiff's counsel consents to this request.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: All Counsel (By ECF)